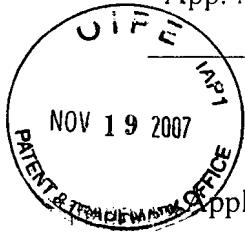


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### TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

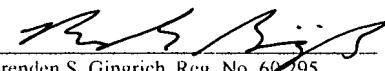
Applicant : Gadde, et al.  
App. No : 10/830,071  
Filed : April 23, 2004  
For : METHOD FOR TREATING OBESITY  
Examiner : Henley III, Raymond J.  
Art Unit : 1614  
Conf. No. : 7687

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 16, 2007

(Date)



Brenden S. Gingrich, Reg. No. 60,295

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

#### *Disclaimer by Assignee*

Assignee, Duke University (“Assignee”), hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 7,109,198, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the above-identified application and U.S. Patent No. 7,109,198 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 7,109,198, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

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***Right of Assignee and Ownership***

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application by virtue of an assignment recorded at Reel No. 019082, Frame No. 0949, and co-owned Patent No. 7,109,198, by virtue of an assignment recorded at Reel No. 014554, Frame No. 0476, by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

***Empowerment of Attorney***

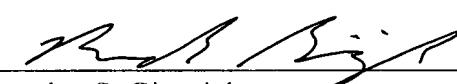
Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee, by virtue of a Power of Attorney, a copy of which is submitted herewith.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment, to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR LLP

Date: 11/16/07

  
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Brenden S. Gingrich  
Registration No. 60,295  
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